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In re Application of:	:	
OTT, Josef	:	DECISION ON RENEWED
U.S. Application No.: 10/580,344	:	PETITION UNDER
PCT No.: PCT/CH04/00700	:	37 CFR 1.47(b)
International Filing Date: 19 November 2004	:	
Priority Date: 26 November 2003	:	
Attorney's Docket No.: Q95051	:	
For: SEAL FOR AFFECTING A SEALING	:	
BETWEEN PARTS HAVING	:	
LIMITED MOBILITY	:	

This decision is mailed in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 28 January 2008. No additional petition fee is required.

BACKGROUND

In a decision mailed by this Office on 30 August 2007, the petition under 37 CFR 1.47(b) filed 01 August 2007 was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had failed to provide the following: (a) adequate proof that the inventor had refused to execute the application; (b) an acceptable declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant; and (c) an acceptable showing that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 08 January 2008, petitioner filed the renewed petition considered herein (with required extension fee).

DISCUSSION

With respect to the showing that the inventor has refused to execute the application, the renewed petition includes an additional firsthand statement, with supporting documents, confirming that a copy of the complete application has been forwarded to the inventor along with a request for signature, and that the inventor has expressly refused to sign the application documents. This submission, in combination with the original petition, provides an acceptable showing that the inventor has refused to execute the application. Accordingly, this element of a grantable petition is now satisfied.

With respect to the required declaration, the renewed petition is accompanied by a revised declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, Weidman Plastics Technology AG ("Weidman Plastics"). The declaration clearly identifies the person signing on behalf of Weidman Plastics as "Suzanne Thoma, Director."¹ The revised declaration satisfies the declaration requirement of a grantable petition.

With respect to the showing of proprietary interest, the renewed petition includes a supplemental legal memorandum (accompanied by an English translation of referenced documents) which concludes that, under the present facts and applicable law, the invention underlying the present application belongs to the 37 CFR 1.47(b) applicant. These materials, in combination with those previously filed, provide an adequate showing that 37 CFR 1.47(b) applicant has the required proprietary interest in the present application. Petitioner has therefore satisfied the final requirement for a grantable petition.

Based on the above, petitioner has now satisfied all the outstanding requirements for a grantable petition.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of non-signing inventor Josef OTT.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 January 2008.



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¹ It is noted that, as set forth in MPEP section 324(V), a "Director" of a foreign company is presumed to have authority to act on behalf of such company.